

**Washington State Department of Fish and Wildlife Hydraulic Project Approval
Habitat Conservation Plan Project:
Potentially Covered Species List**

Revised November 30, 2006

In Washington State, activities that use, divert, obstruct, or change the bed¹ or flow of state waters require a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). The purpose of the HPA program is to ensure that such activities are completed in a manner that prevents damage to public fish and shellfish resources and their habitats. Because several fish and aquatic species in the state are listed as threatened or endangered under the federal Endangered Species Act (ESA), many of the activities requiring an HPA may also require approvals from the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS). Such approvals can be in the form of an ESA Section 7 Incidental Take Statement or an ESA Section 10 Incidental Take Permit (ITP). As authorized in Section 10 of the ESA, ITPs may be issued for otherwise lawful activities that could result in “take” of ESA-listed species or their habitats. In this context, take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct.

To ensure that the HPA program complies with the ESA and to facilitate ESA compliance for citizens conducting work under the HPA authority, the WDFW is working toward development of a programmatic, multispecies Habitat Conservation Plan (HCP) to obtain an ITP from USFWS and NOAA Fisheries. Currently, WDFW is in the first year of what is expected to be a six-year project to develop an HCP. An HCP must outline the covered activities and conservation measures for avoiding, minimizing, and mitigating, to the maximum extent practicable, the impact of the potential take of covered species. The federal Services must also find in their biological opinion that any permitted incidental take will not jeopardize continued existence of the species, i.e., the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.

As discussed in the Habitat Conservation Planning Handbook (USFWS and NOAA Fisheries 1996), one of the first steps in developing a HCP is identifying the species that will be covered in the plan. Generally, permit applicants are encouraged by the federal Services to include all fish and wildlife species that are federally listed under the Endangered Species Act (ESA) that may be impacted by the activities covered in the HCP. The Services also encourage applicants to include currently non-listed species that have the potential to be listed in the foreseeable future, particularly within the life of the incidental take permit. By including unlisted species, WDFW could help ensure that the HCP will not have to be revised in the event that species that were not covered in the approved HCP become federally listed.

¹ Bed is defined as the land below the ordinary high water line of the state waters, but does not include irrigation ditches, canals, stormwater runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by humans.

Further, for all covered species, an approved HCP provides WDFW with assurances under the “No Surprises” policy. The no surprises policy basically states that for all species covered under an approved HCP, the Services shall not require additional mitigation for impacts to a species that result from “unforeseen circumstances,” as long as the HCP proponent is properly implementing the approved HCP. This policy would provide WDFW with long-term management certainty for all listed and unlisted species covered under the HCP in relation to possible impacts resulting from covered HPA activities.

The HPA authority is statutorily restricted to protection of fish life, defined as all fish and shellfish species and all stages of development of those species (WAC 220-110-020). Due to this statutory restriction, WDFW proposes to limit species for consideration for coverage under the HCP to fish, shellfish, and other aquatic species.

In developing this preliminary list, the prime consideration was whether a species is federally listed as threatened, endangered, or is a candidate for listing or a federal species of concern. In addition, WDFW also considered species that are listed as state endangered, threatened, candidate, sensitive, or state priority habitat species. However, the list does not include stocks of fish under Washington’s Salmonid Stock Inventory (SaSI), unless the stock is also included on a federal or state species list for being threatened, endangered, of concern, sensitive, or candidates for listing. The Services also recommend that a species list consider practical considerations like the availability of biological information and the cost of preparing the HCP. For this initial compilation of a species list, WDFW has not done extensive research into issues such as availability of sufficient abundance, distribution, and habitat requirement for the covered species. Such evaluations will occur in the coming years and will help to focus the HCP scope.

The current version of the preliminary species list includes 45 fish species and 7 invertebrate species. Since the first species list was created in 2005, two species have been added; Dolly Varden (*Salvelinus malma*) and western ridged mussel (*Gonidea angulata*). Dolly Varden was added because of it is afforded protection under the ESA due to its similarity of appearance to threatened bull trout. Western ridged mussel was added because even though it does not have any federal or state listing status, it is an invertebrate species that is believed to be sensitive and is garnering greater attention in recent years.

The preliminary list of covered species is included in Table 1, along with their federal and state listing status.

Table 1. Preliminary Covered Species List for the HPA HCP.

Common Name	U or N	Scientific Name	Status
Black rockfish	N	<i>Sebastes melanops</i>	SC
Bocaccio rockfish	N	<i>Sebastes paucispinis</i>	SC
Brown rockfish	N	<i>Sebastes auriculatus</i>	SC
Bull trout	U	<i>Salvelinus confluentus</i>	FT/SC
Canary rockfish	N	<i>Sebastes pinniger</i>	SC
China rockfish	N	<i>Sebastes nebulosus</i>	SC
Chinook salmon	N	<i>Oncorhynchus tshawytscha</i>	FE/FT/SC
Chum salmon	N	<i>Oncorhynchus keta</i>	FT/SC
Coastal cutthroat trout	N	<i>Oncorhynchus clarki clarki</i>	FSC
Coho salmon	N	<i>Oncorhynchus kisutch</i>	FC/FSC
Copper rockfish	N	<i>Sebastes caurinus</i>	FSC/SC
Dolly Varden	U	<i>Salvelinus malma</i>	SAR
Eulachon (Columbia River smelt)	?	<i>Thaleichthys pacificus</i>	FC/SC
Green sturgeon	?	<i>Acipenser medirostris</i>	SPHS
Greenstriped rockfish	N	<i>Sebastes elongates</i>	SC
Lake chub	U	<i>Couesius plumbeus</i>	SC
Leopard dace	U	<i>Rhinichthys falcatus</i>	SC
Lingcod	N	<i>Ophiodon elongatus</i>	SPHS
Longfin smelt	N	<i>Spirinchus thaleichthys</i>	SPHS
Marginated sculpin	U	<i>Cottus marginatus</i>	FSC/SS
Mountain sucker	U	<i>Catostomus platyrhynchus</i>	SC
Olympic mudminnow	U	<i>Novumbra hubbsi</i>	SS
Pacific cod	N	<i>Gadus macrocephalus</i>	FSC/SC
Pacific hake	N	<i>Merluccius productus</i>	FSC/SC
Pacific herring	N	<i>Clupea harengus pallasii</i>	FC/SC
Pacific lamprey	?	<i>Lampetra tridentate</i>	FSC
Pacific sand lance	N	<i>Ammodytes hexapterus</i>	SPHS
Pink salmon	N	<i>Oncorhynchus gorbuscha</i>	SPHS
Pygmy whitefish	U	<i>Prosopium coulteri</i>	FSC/SS
Quillback rockfish	N	<i>Sebastes maliger</i>	FSC/SC
Redband trout	U	<i>Oncorhynchus mykiss</i>	FSC
Redstripe rockfish	N	<i>Sebastes proriger</i>	SC
River lamprey	U	<i>Lampetra ayresi</i>	FSC/SC
Sockeye salmon	N	<i>Oncorhynchus nerka</i>	FE/FT/SC
Steelhead	N	<i>Oncorhynchus mykiss</i>	FE/FT/SC
Surfsmelt	N	<i>Hypomesus pretiosus</i>	SPHS
Tiger rockfish	N	<i>Sebastes nigrocinctus</i>	SC
Umatilla dace	U	<i>Rhinichthys Umatilla</i>	SC
Walleye pollock	N	<i>Theragra chalcogramma</i>	FSC/SC
Western brook lamprey	U	<i>Lampetra richardsoni</i>	FSC
Westslope cutthroat trout	U	<i>Oncorhynchus (=Salmo) clarki lewisi</i>	FSC

Common Name	U or N	Scientific Name	Status
White sturgeon	?	<i>Acipenser transmontanus</i>	SPHS
Widow rockfish	N	<i>Sebastes entomelas</i>	SC
Yelloweye rockfish	N	<i>Sebastes ruberrimus</i>	SC
Yellowtail rockfish	N	<i>Sebastes flavidus</i>	SC
California floater (mussel)	N	<i>Anodonta californiensis</i>	FSC/SC
Giant Columbia River limpet	U	<i>Fisherola nuttalli</i>	SC
Great Columbia River spire snail	U	<i>Fluminicola (=Lithoglyphus) Columbiana</i>	FSC/SC
Newcomb's littorine snail	U	<i>Algamorda subrotundata</i>	FSC/SC
Northern abalone	N	<i>Haliotis kamtschatkana</i>	FSC/SC
Olympia oyster	N	<i>Ostrea lurida</i>	SC
Western ridged mussel	U	<i>Gonidea angulata</i>	SC

FE = Federal Endangered

FT = Federal Threatened

FC = Federal Candidate

FSC = Federal Species of Concern

SC = State Candidate

SS = State Sensitive

SPHS = State Priority Habitat Species

FSAR = Federal Similarity of Appearance Rule